

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ULYSSES RODRIGUEZ CHARLES,)
)
Plaintiff,)
)
v.)
)
CITY OF BOSTON; JOHN MULLIGAN, in)
his individual capacity; WILLIAM KEOUGH,)
in his individual capacity; PAUL RUFO, in his)
individual capacity; KATHLEEN HANLEY)
JOHNSON, in her individual capacity;)
STANLEY BOGDAN, in his individual)
capacity; JOHN DOE and JANE DOE,)
supervisors in the Boston Police Department, in)
their individual capacities; CHARLES CAMPO,)
in his individual capacity; JOHN ZANINI, in)
his individual capacity; SUFFOLK COUNTY)
and SUFFOLK COUNTY DISTRICT)
ATTORNEY'S OFFICE,)
)
Defendants.)

CASE NO. 04-10986-NG

MOTION OF DEFENDANT CHARLES CAMPO TO DISMISS
PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)
AND REQUEST FOR HEARING

Defendant Charles Campo moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the complaint of Plaintiff Ulysses Rodriguez Charles on the grounds the complaint fails to state a claim upon which relief can be granted for the following reasons:

1. The Defendant Charles Campo possesses absolute immunity against all Counts and claims set forth in the complaint;

2. Counts IV (malicious prosecution under 42 U.S.C. § 1983) and the second numbered count labeled “VII” (state law claim for malicious prosecution) fail as a matter of law as the Plaintiff’s criminal action was not terminated in his favor;
3. Counts I, II, and III are barred by the applicable statutes of limitation;
4. Counts V and the first numbered count labeled “VII” only state *Monell* claims against other governmental Defendants; and
5. Count VI only states individual claims against unknown “supervisory” personnel in the Suffolk County District Attorney’s Office and the City of Boston Police Department.

In support of this motion, the Plaintiff has filed a memorandum of law.

REQUEST FOR ORAL ARGUMENT

6. The Defendant respectfully requests the Court schedule oral argument on the motion. The Defendant’s motion involves defenses based upon absolute immunity and the plaintiff’s failure to file the action within the applicable statute of limitations. The Defendant respectfully suggests that oral argument would be of assistance to the Court in reviewing the merits of these defenses.

CHARLES CAMPO,
By his attorney,

/s/ Richard M. Egbert
Richard M. Egbert (BBO #151800)
99 Summer Street
Boston, MA 02110
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CERTIFICATE OF SERVICE

I, Richard M. Egbert, hereby certify that I served a copy of this document by first class mail, postage prepaid upon all parties of record on October 15, 2004

/s/ Richard M. Egbert